

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

HOWARD WHITE §
VS. § CIVIL ACTION NO. 1:22-CV-555
WARDEN, USP POLLOCK §

MEMORANDUM OPINION AND ORDER

Petitioner Howard White, a federal prisoner confined at the United States Penitentiary in Pollock, Louisiana, proceeding *pro se*, filed this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241.

Analysis

To entertain a habeas petition brought under 28 U.S.C. § 2241, the district court must have jurisdiction over the prisoner. *United States v. Gabor*, 905 F.2d 76, 77-78 (5th Cir. 1990). Accordingly, a prisoner must file a § 2241 petition in the district where he is incarcerated. *Griffin v. Ebbert*, 751 F.3d 288, 290 (5th Cir. 2014); *Lee v. Wetzel*, 244 F.3d 370, 375 n. 5 (5th Cir. 2001). If the petitioner files in another district, that court lacks jurisdiction over the petition. *United States v. Brown*, 753 F.2d 455 (5th Cir. 1985). However, the court has the authority to transfer the action, in the interest of justice, to a court where the action could have been brought. 28 U.S.C. § 1631.

After reviewing the pleadings, the court has concluded that jurisdiction is not proper in the Eastern District of Texas because Petitioner is confined in Pollock, Louisiana. The court has considered the circumstances and has determined that the petition for writ of habeas corpus should

be transferred to the United States District Court for the Western District of Louisiana, where Petitioner is confined. It is accordingly

ORDERED that this Petition for Writ of Habeas Corpus is **TRANSFERRED** to the United States District Court for the Western District of Louisiana.

SIGNED this the 2nd day of December, 2022.



Christine L Stetson
UNITED STATES MAGISTRATE JUDGE